

Unapproved

Salem Planning and Zoning Commission
June 16, 2009

Present: Abetti, F.
Bingham, D. - left at 8:12 pm
Buckley, K.
Chinatti, M. - Town Planner/ZEO
Dalkowski, R.
Fogarty, G.
McKenney, H.
Savalle, R.
Winakor, A., Alt.

Absent: Vacancy, Alt.
Vacancy, Alt.

Guests: see attached.

CALL TO ORDER:

H. McKenney, chairman, called the meeting to order at 7:05 pm.

PUBLIC HEARINGS:

- 1) **Carvalho Brothers Realty, LLC - application (RS#09-02-01) for a resubdivision of land in both Salem and Colchester (two [2] lots in Salem; six [6] lots in Colchester) and a proposed road in both towns at 50 Buckley Road (CON'T. FROM 5/19/09)**

M. Chinatti, Town Planner/ZEO:

Site walk was held on 5/30/09.

Plans have been revised to 6/01/09.

The ponds on Lot #1 have been redesigned; they will drain within 24 - 48 hours.

The IWCC approved the previous plan. The revised 6/01/09 plans should be seen by them at their 7/13/09 Regular Meeting.

The PZC cannot make a decision on the application with the revised plans until they have received the comments of the IWCC.

The PZC can close the public hearing this evening and receive the IWCC report after their 7/13/09 meeting and take it into consideration during deliberations.

After her review of the 6/01/09 plans, she found all of her comments and concerns have been addressed except one in regard to the compliance table on sheet 1.

The Town Engineer's review of the revised plans found that all of his comments but three (3) have been addressed, but the three (3) remaining can be included as conditions of approval.

The draft of the Intermunicipal Agreement, including the recommendations made by the PZC at the last meeting, have been forwarded to the BOS for discussion at their July 7, 2009 meeting.

The drainage easement drafts have been received and forwarded to Town Attorney J. Butts for review.

The applicant has stated that in the event Colchester does not accept maintenance of the ponds, the applicant will.

H. McKenney reviewed the Salem PZC Public Hearing Procedures.

C. Dutch, LS, applicant's agent, appeared before the Commission:

Submitted a letter (6/16/09) from J. Carvalho stating *".....that if Colchester is not willing to maintain the easement area shown on Lot 1 on the proposed subdivision plan, under an intermunicipal agreement with the town of Salem, Carvalho Brothers Realty, LLC will make other mutual(ly) agreement(s) with the Town of Salem for maintenance of the easement area."*

H. McKenney, chairman, read the letter into the record.

The ponds are 25' x 125'.

The 6/01/09 revision reflects just a change in material to keep the ponds wet (at the request of Colchester's Town Engineer); the design has not changed.

Public Comments:

There were no public comments.

M/S/C (McKenney/Dalkowski) to close the public hearing on application (RS#09-02-01) of Carvalho Brothers Realty, LLC for a resubdivision of land in both Salem and Colchester (two [2] lots in Salem; six [6] lots in Colchester) and a proposed road in both towns at 50 Buckley Road and continue discussion of the application to the July 2, 2009 Regular Meeting of the Salem Planning and Zoning Commission. Vote: approved unanimously.

- 2) Amendment to the Salem Zoning Ordinance to add a Town Center Zone and proposed TOWN CENTER VILLAGE DISTRICT add Section 7.C

The Commission had cancelled this item until further notice prior to tonight's meeting.

The Design Review Guidelines have not yet been completed by the Town Center Committee for PZC review.

PETITIONERS:

1) Summer Reading signs (banners) at Salem Library and Salem School

M. Chinatti, Town Planner/ZEO:

Section 13.1.2 of the Zoning Regulations allows the Board of Selectmen to request, on behalf of a public or non-profit agency, the erection of a public purpose sign that does not comply with the dimensional or location standards for signs as per the Zoning Regulations.

Last year the BOS requested PZC approval of banners (10' x 2') to be placed on the Salem School and the Salem Library (stating SALEM READS) for the Summer Reading Program.

C. Nawrocki, president of the Friends of the Library, appeared before the BOS and they discussed the matter again at the their 6/02/09 Regular Meeting.

The BOS endorsed the matter again but recommended that the PZC approve a five (5) year renewal on the approval so they do not have to apply yearly.

M/S/C (McKenney/Abetti) to approve, for a period of five (5) years, as per Section 13.1.2 of the Salem Zoning Regulations and per the endorsement of the Salem Board of Selectmen, "SALEM READS" banners to be placed at the Salem Library and Salem School in conjunction with the Summer Reading Program sponsored by same. Vote: approved unanimously.

The Commission asked the Town Planner/ZEO to use a tickler file to remind the Commission of the five (5) year expiration date.

2) Tullai - Request for return of monument bond for resubdivision (RS#10-05-01) at 196 West Road

M. Chinatti, Town Planner/ZEO:

Ms. Tullai had requested at the time of the approval of her resubdivision on West Road, that she be allowed to post a bond (\$1,800 passbook bond) for monumentation. The Commission approved the posting of the bond.

The monuments have been set and she has completed her inspection of them.

Her recommendation is to release the Tullai passbook bond in the amount of \$1,800.

M/S/C (McKenney/Abetti) to approve the release of the Liberty Bank Passbook Bond in the amount of \$1,800 for monumentation for the Tullai resubdivision at 196 West Road. Vote: approved unanimously.

PUBLIC COMMENTS:

There were no *PUBLIC COMMENTS* this evening.

OLD BUSINESS:

1) **Nutmeg Sand & Gravel – reinspection and waiver request**

M. Chinatti, Town Planner/ZEO:

Discussion of the letters she has sent to Nutmeg Gravel & Excavation and the one she received in return. (See letters attached to the *ENFORCEMENT OFFICER'S REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION REPORT* attached to the filed copy of these minutes.)

M. Koss, of Nutmeg Gravel & Excavation, appeared before the Commission:

He decided not to pursue an affidavit.

He had payroll records for the following periods:

March of 2009, April 10, 2009, and April 17, 2009 for screening topsoil for reclamation of the site.

The economy is the reason for the low removal rate.

After discussion, the Commission took the following action:

M/S/C (McKenney/Dalkowski) to approve the request for the waiver of Section 14.6d) of the Salem Zoning Regulations in regard to the Excavation Permit renewal for Nutmeg Gravel & Excavation at 40 Old Colchester Road based upon the assertion of the Zoning Enforcement Officer and discussion with the applicant that less than 5,000 cu. yds. of material has been removed. Vote: approved unanimously.

NEW BUSINESS:

There was no *NEW BUSINESS* this evening.

ENFORCEMENT OFFICER'S REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION REPORT: (See attached to the filed copy of these minutes.)

M. Chinatti, Town Planner/ZEO:

Stated that she had received a copy of the CT DPH report and approval of the review of the plans for a subsurface sewage disposal system on 15-17 Center Street for Framill Properties, LLC.

The chair, with the Commission's consent, added, under
APPROVAL OF MINUTES OF PREVIOUS MEETING(S),
"3) May 30, 2009 - Special Meeting Site Walk"
to tonight's agenda.

APPROVAL OF MINUTES OF PREVIOUS MEETING(S):

- 1) **May 19, 2009 - Regular Meeting**
- 2) **May 26, 2009 - Regular Meeting**
- 3) **May 30, 2009 - Special Meeting Site Walk**

M/S/C (Buckley/Fogarty) to approve the minutes of the May 19, 2009 Regular Meeting, the May 26, 2009 Regular Meeting and the May 30, 2009 Special Meeting Site Walk of the Salem Planning and Zoning Commission amended as follows:

May 19, 2009 - Regular Meeting

Page 3 - at the top of the page, under the *Public Comment*, in parentheses, change *mosquitoes, here are wetlands* to*"mosquitoes, there are wetlands*"

Page 4 - in the paragraph, in the middle of the page, starting *D. Gernhardt stated* change *D. Gernhardt stated that that this was* to "D. Gernhardt stated that this was"

Page 4 - in the paragraph above *PUBLIC COMMENTS*, starting: *Stated that she was not here* , add the following as a final sentence: "H. McKenney took action to have a second review of the spreadsheet undertaken."

Page 6 - in the motion to approve the minutes, under *Page 4* - , change *first and the second sentences, ass the following sentence* to " first and the second sentences, add the following sentence"

Vote: approved unanimously.

May 26, 2009 - Regular Meeting

Page 4 - in the motion to approve the site plan application for *Salem Center, LLC*, change *M/S/C Bingham/Dalkowski*)..... to "M/S/C (Bingham/Dalkowski)"

Page 5 - in the motion to approve the Special Exception for *Salem Center, LLC*, in the paragraph in regard to the review of Section 11.4 FINDINGS, change *general consensus of the members* to "..... general consensus of most of the members"

Page 5 - under the paragraph following the motion to approve the Special Exception for *Salem Center, LLC*, add the following sentence: "D. Bingham did not concur that the traffic pattern and congestion would not be impacted and would not agree with the statement until the safety concerns at the Four Corners are addressed."

Page 1 - under *PUBLIC HEARINGS*, in 1) *Salem Center, LLC*, in the paragraph under *M. Chinatti, Town Planner/ZEO*; add the following to the sentence: "as it is not separated from other driveways by 150' and is acceptable now because it was approved in that configuration."

Page 2 - under Public Comments; in the first comment, change *showed a channel 3 news video.....* to " showed a WFSB Channel 3, Hartford, CT news video".

Page 2 - under Public Comments; in the second comment, change *Petitions signed in opposition* to "S. Magliano also presented petitions signed in opposition....."

Vote: For approval - Bingham, Buckley, Dalkowski, McKenney, and Savalle. For denial - no one. Abstentions - Abetti and Fogarty.

MOTION CARRIED.

May 30, 2009 - Special Meeting Site Walk

Page 2 - in the paragraph at the top of the page, change *Mr. Dutch asked why the need for the requirement* to "Mr. Dutch asked the Commission why the need for the requirement"

Vote: For approval - Buckley, Dalkowski, Fogarty, McKenney, and Savalle. For denial - no one. Abstentions - Abetti and Bingham.

MOTION CARRIED.

EXECUTIVE SESSION: (if needed)

M/S/C (Fogarty/Buckley) to go into Executive Session at 8:08 pm to discuss pending litigation for 1) 160 Old Colchester Road and 2) Kobyluck and include M. Chinatti, Town Planner/ZEO/WEO and D. McTigue, PZC Administrative Assistant/Recording Secretary.

Vote: approved unanimously.

D. Bingham stated that he would be recusing himself from the Kobyluck discussion, item 2).

1) Pending litigation (160 Old Colchester Road)

Present at Executive Session:

F. Abetti, D. Bingham, K. Buckley, R. Dalkowski, G. Fogarty, H. McKenney, R. Savalle, and A. Winakor.

Present at the Commission's pleasure:

M. Chinatti, Town Planner/ZEO/WEO and D. McTigue, PZC Administrative Assistant/Recording Secretary.

D. Bingham recused himself at 8:12 pm and left the meeting.

2) Pending litigation (Kobyluck)

Present at Executive Session:

F. Abetti, K. Buckley, R. Dalkowski, G. Fogarty, H. McKenney, R. Savalle, and A. Winakor.

Present at the Commission's pleasure:

M. Chinatti, Town Planner/ZEO/WEO and D. McTigue, PZC
Administrative Assistant/Recording Secretary.

NO ACTION TAKEN.

M/S/C (McKenney/Fogarty) to come out of Executive Session at 8:41 pm. Vote: approved unanimously.

PLUS DELTAS:

There were no *PLUS DELTAS* this evening.

CORRESPONDENCE:

- Copies of emails from First Selectman R. Ross and EDC chair F. Sroka commending the PZC in regard to the approval of the two (2) commercial buildings for the Salem Four Corners area.

ADJOURNMENT:

M/S/C (Abetti/Fogarty) to adjourn the meeting at 8:55 pm. Vote: approved unanimously.

Doris McTigue, Administrative Assistant/ Recording Secretary